

Dennis L. Smith
 P.O. Box 311
 Selbyville, Delaware 19975

January 12, 2008

*Copy only
 for record*

Office of the Clerk
 Ms. Marcia M. Waldron
 For the Third Circuit
 21400 United States Court House
 601 Market Street
 Philadelphia, PA 19106 – 1790
Certified - 7007 0220 0001 0621 8372

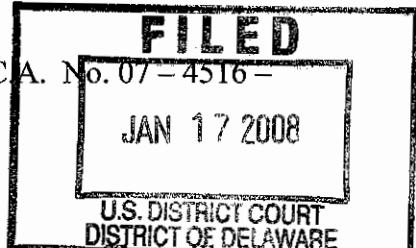
Mr. Bruce C. Herron Esq.,
 Akin & Herron, P.A.
 1500 Shallcross Avenue
 Wilmington, Delaware 19806
Certified - 7007 0220 0001 0621 8389
 ---- Settlement Price Demand ----

Re: Dennis L. Smith vs. Ex – Police Chief Guy D. Baynard C.A. No. 07 – 4516 –
 - D.C. No. 98 – 639 – JJF (JJF – 28 U.S.C.A § 144)

Dear Ms. Waldron and Attorney Herron.:

The United States Federal Attorney's office and the State Department of Justice's office will receive copies of this letter without my **settlement price demand**. The **settlement price demand** in this letter is solely between Attorney Bruce C. Herron and I, Pro se. Therefore, the Federal Attorney's office and the State Department of Justice will **only receive** this letter for **legal understanding**, which coincides with Federal court's **recorded documents** and **evidence**, concerning this mentioned above reference civil case. Note: If, this "**settlement price demand**" is **demanded** under the law, therefore the Court and/or the Federal Attorney's office and/or the State Department of Justice's office will receive it also.

*BD
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FIRST OF ALL, the Town of Frankford's Attorney Dennis L. Schrader signed and **settled** the **AGREED** real estate part of this civil case, on November 29, 2007 and filed same **Stipulation in the Register in Chancery Court (Case No. 1961-S) in Georgetown, Delaware** on November 30, 2007, as Attorney Bruce C. Herron know.

Therefore, the remaining settlement issue(s) are based on the facts of recorded records of civil case No. 07 – 4516 --- D.C. No. 98 – 639 and/or my "Interlocutory Appeal Status (via) 28 U.S.C.A § 2106 Emergency Motion to Modify", "Interlocutory Appeal Notice of Motion(s) to Stay / Appeal", and "Interlocutory Appeal **Second -Notice** of Motion to Vacate" all of which was filed on November 26, 2007. Also the remaining settlement issue(s) are based on my letter dated December 14, 2007 (Certified No. 7007 0710 0000 2888 9245) and my letter of **corrections** dated January 3, 2008 (Certified No. 7007 0710 0000 2888 9368). Therefore, based on all information that can be received by this paragraph, will confirm the following below, to be **UNFAIR**:

1. **(Unfair - Deceit used)** Therefore, based on court records, see Attorney Bruce C. Herron's Summary Judgment request (D. I. 57) which equal to the ONE continued Racial bias / Harassment 42 U.S.C.A § 1981(a) § 1983, December 14, 1996 false arrest, **ONLY**. Therefore, Judge Joseph J. Farnan Jr Court Orders' (D. I. 88, D. I. 140 and D. I. 141) confirms that Judge Joseph J. Farnan Jr **GRANTED** Attorney Bruce C. Herron's Summary Judgment (D. I. 57). These recorded documents of Attorney Bruce C. Herron and Judge Joseph J. Farnan Jr's, all are prior to the dated October 31, 2007.

Mr. Bruce C. Herron Esq,
 January 12, 2008
 Page2

Therefore, based on this unfair deceit, as just mentioned above, Attorney Bruce C. Herron / Ms. Dianna L. Mondeau of Scottadale Insurance Company, in a letter dated November 13, 2007 offer me [REDACTED] dollars and later by phone approximately [REDACTED] dollars, for this **ONE FALSE ARREST** only, which I denied, clearly this offer was before October 31, 2007.

2. **(Further Unfair - Deceit used, for cover - up)** Therefore, the November 15, 1996 false arrest **Prima Facie Case**, should not have been requested by Attorney Bruce C. Herron in his Summary Judgment (D. I. 57), to be remove from this civil case No. 98 - 639, which was **GRANTED** by Judge Joseph J. Farnan Jr., in his Court Orders (D. I. 88, D. I. 140 and D. I. 141). This **November 15, 1996 false arrest Prima Facie Case**, was just here recently, **RE - INSERTED** on October 31, 2007 (D. I. 156) by this same Judge, Judge Joseph J. Farnan Jr., in his Memorandum Order dated October 31, 2007, for the first time ever.

Based on the E20 video tape recording evidence, which confirms the November 15, 1996 false arrest to be a Prima Facie Case. Also I repeat, the **November 15, 1996 false arrest Prima Facie Case** was just here recently **RE - INSERTED** (D. I. 156) by this same Judge, questionably, only after the EXPOSURE of the *February 22, 2007 audio cassette tape recording*, due to heat / truth was on; see Exhibits "A" and "B" of Court record (D. I. 143 and I repeat D. I. 143). Therefore, I am demanding [REDACTED] dollars for this Prima Facie false arrest, alone.

Settlement negotiations conclusion, based on the **November 15, 1996 false arrest Prima Facie Case**, I am demanding [REDACTED] dollars and the continued Racial bias / Harassment 42 U.S.C.A. § 1981(a). § 1983, December 14, 1996 false arrest, I am agreeing to the past offer of approximately [REDACTED] dollars. Therefore, I am demanding a total of [REDACTED] [REDACTED] dollars.

Please Take Official - Legal Notice; as I am seriously, steadfast, on receiving as a priority, {Justas Causa} 100% fair Justice, in this far, far over - due inexorable / deplorable matter. As we know for a fact that the original heretofore 28 U.S.C.A. § 2108, was the pecuniary sum of; **\$ 16,000,000.00** U.S. Dollars. So I must say, as I am truly compelled to; what I am currently - vehemently legally {amicably} only demanding is less than a drop in a 55 gallon - barrel, Per se.

I, do truly appreciate, any and all {who} have and/or will have the common - decency of "moral - excellence" commingled herewith Illustrious inner woven {eminent - integrity} to help to see to it; that I get treated unequivocally fair, see 28 U.S.C.A. § 1343, Per se in this, as I re - reiterate, this far - far overdue legal matter / endeavor.

In conclusion;

I, will admit that if the very - very gifted incumbent Attorney of record, for the Town of Frankford / Political subdivision hereunder 42 U.S.C.A. § 1983. § 1988, my point is, yes the

Mr. Bruce C. Herron Esq.,
January 12, 2008
Page 3

Elite Attorney Bruce C. Herron may have had, or may have some type of continuing / still erroneously continuing, ploy and/or issuable **only** " defense." Then again Attorney Bruce C. Herron a very **seasoned veteran** of our U.S. court system, may even have a vitreous Superficially based, prolixity – oriented game to carry on, and carry on this case, in which would be even more luminously solely – totally unconstitutional as a matter of fact, and a matter of Equal Justice under the law.

Final Conclusion;

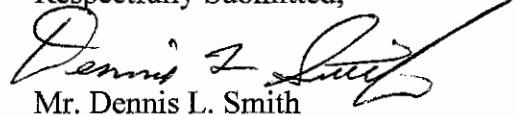
Yes, I truly feel, and know under the honorable due process clause; that if even, if a remote far fetching Obloquy of a superficial – Trial date is ever set, in this civil case, that I have {indubitable} over – zealous super – preponderance(s) of exact – exact demonstrative evidence equivalent and/or **beyond Prima Facie**. Furthermore, not to mention the disgraceful fact / fact(s) of any ridiculous / absurd issuable – defense based **MOCK TRIAL**, would be a total Obloquy to the U.S. Constitution's Article III Court system, Per se. The court would be very Questionably notoriously engaging in possible 28 U.S.C.A. § 1442(a)(3), due to it would be very unconstitutional; " Obstruction(s) of Justice " based:

- {01.} " Mis – Use " of Process and/or;
- {02.} " Malicious – Use " of Process, **Prima Facie is Prima Facie, and it is, what it is.**

Please be legally advised

A swift mutual amicable settlement in civil action No. 98 – 639 would also immediately evaporate / end U.S. Third Circuit's civil action No. 07 – 4516. I hope that all who are involved, will honorably engage in putting closure to this legal matter, now after approximately nine (9) years of **suffering** illegal and unconstitutional acts against my person.

Respectfully Submitted,



Mr. Dennis L. Smith

Cc: **Attorney Bruce C. Herron**
Roger A. Akin, Esq.
Akin & Herron
1500 Shallcross Avenue
Suite 1 – A
Wilmington, DE 19806
---- Settlement Price Demand ----

Office of the Clerk
United States District Court

Mr. Bruce C. Herron Esq,
January 12, 2008
Page 4

844 N. King Street, Lockbox 18
Wilmington, DE 19801 - 3570

*** Robert W. Willard, Esq;
esq.,**
Department of Justice
820 North French Street
Carvel Office Building
Wilmington, DE 19801

*** The Honorary, Colm F. Connolly**
United States Attorney For
The District of Delaware
P. O. Box 2046
Wilmington, DE 19899 - 2046

Ms. Dianna L. Mondeau
Scottsdale Insurance Company
P.O. Box 4120
Scottsdale, AZ 85261 - 4120
---- Settlement Price Demand ----

Town of Frankford Council members
P.O. Box 550
5 Main Street
Frankford, Delaware 19945

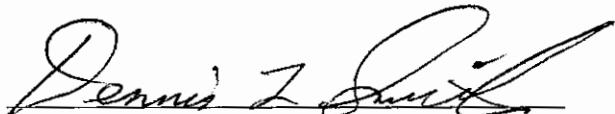
IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

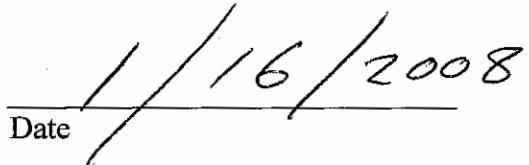
DENNIS L. SMITH :
: C.A. No. 07 - 4516
:
Interlocutory - Appellant, :
:
vs. :
:
EX - POLICE CHIEF GUY D. :
BAYNARD, INDIVIDUALLY AND AS :
AGENT OF FRANKFORD TOWNSHIP, :
et al., :
:
Interlocutory - Appellee(s) :

AFFIDAVIT OF DENNIS L. SMITH

STATES OF DELAWARE :
: SS.
NEW CASTLE COUNTY :

The, preceding - indelible truthful - statement(s) in my **LETTER dated January 12, 2008** are true to the best of my knowledge and belief(s); of; Dennis L. Smith and are in full vehement compliance / Compliance(s) Here- with / Here - under; **28 U.S.C.A. § 1746, and 18 U.S.C.A. § 1621.**


Dennis L. Smith


Date 1/16/2008

CERTIFICATE OF SERVICE

I hereby certify that the original and three copies my **LETTER dated January 12, 2008** have been certified mailed or hand delivered on this 16 day of January 2008, to the United States Court of Appeals, Third Circuit defendants' counsel and the following addresses:

**Attorney Bruce C. Herron
Roger A. Akin, Esq.
Akin & Herron
1501 Shallcross Avenue
Suite 1 - A
Wilmington, DE 19806
Certified - 7007 0220 0001 0621 8389
---- Settlement Price Demand ----**

**Office of the Clerk
Judge Joseph J. Farnan Jr and Staff
United States District Court
845 N. King Street, Lockbox 18
Wilmington, DE 19801 - 3570
Certified - 7007 0220 0001 0621 8396**

Copies ONLY for your records

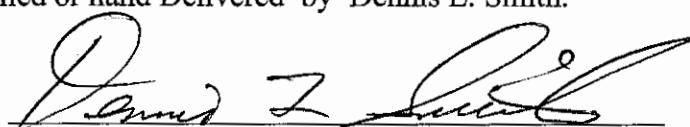
*** Robert W. Willard, Esq;
Department of Justice
821 North French Street
Carvel Office Building
Wilmington, DE 19801
Certified - 7007 0220 0001 0621 8402**

**Ms. Dianna L. Mondeau
Scottsdale Insurance Company
P.O. Box 4120
Scottsdale, AZ 85261 - 4120
Certified - 7007 0220 0001 0621 8433
---- Settlement Price Demand ----**

*** Honorary, Colm F. Connolly esq.,
United States Attorney For
The District of Delaware
P. O. Box 2046
Wilmington, DE 19899 - 2046
Certified - 7007 0220 0001 0621 8426**

**Town of Frankford Council members
P.O. Box 550
5 Main Street
Frankford, Delaware 19945
Certified - 7007 0220 0001 0621 8440**

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.


Dennis L. Smith



First Class Mail

RETURN RECEIPT
REQUESTED

Judge Joseph J. Farnon Jr. and Staff
OFFice of the Clerk
United States District Court
845 N. King Street, Lockbox 18
Wilmington, DE 19801-3570

W.D.
W.S.

RETURN RECEIPT
REQUESTED

RECEIVED
REQUESTED

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